

**PLANNING & ZONING COMMISSION
MEETING
DECEMBER 6, 2005**

Present:

Sarah Murphy, Chairman
Kevin Bittinger, Vice-Chairman
Allan Feldman
Derryll Anderson
Bill Talley

Absent:

Jim Crain

Call to Order

Chairman Murphy called the December 6, 2005 meeting to order. The first item on the agenda was approval of minutes from the October 25, 2005 meeting. There were no changes.

Chairman Murphy called for a motion.

Motion: Commissioner Talley motioned to approve the minutes of October 25, 2005 meeting.

Second: Commissioner Anderson seconded the motion.

Vote: Unanimous

Motion carried.

Chairman Murphy stated that Georgia Law requires that certain disclosures must be made when considering a rezoning.

Chairman Murphy asked commission members to signify whether or not they or any family member had a financial or property interest in the annexation or rezoning agenda items.

Chairman Murphy and all of the commission members responded no.

Chairman Murphy also noted that if any of the applicants for rezoning had donated anything of value to any City Official in the last two years in the value of \$250.00 or more they must have notified the City in writing within ten days of the meeting. Also, if anyone in the public wished to speak in opposition to the rezoning and they have donated anything of value to any City Official in the last two years of \$250.00 or more they must have notified the City in writing five days prior to the meeting.

Chairman Murphy asked Mr. Gunn if any notifications had been received. Mr. Gunn responded no.

Grove Park, Highway 314 – Rezoning from (C-3 to DR-15) & Variance from (Sec. 94-315) – File # 03-040

Chairman Murphy called on staff for an overview on this project. Mr. Gunn stated that the applicant is proposing to rezone approximately 19 acres on Highway 314 from C-3 (Highway Commercial) to DR-15 to allow for the development of 60 single-family detached homes. He added that this is only a rezoning request and should this request be approved then there will be more tweaking before the final result is approved during the preliminary plat process. The future land map use calls for office use. The proposed residential use would be a buffer for the current residential uses, but as presently zoned this property could be developed for heavy commercial uses. Mr. Gunn said the intent is to be a step down from commercial use. Staff is comfortable with recommending approval for rezoning of this property; all of the issues that came up have been addressed as best as the applicant can at this time. Staff recommended approval of the rezoning of this property from C-3 to DR-15.

Chairman Murphy asked the applicant if he had any additional information he would like to share.

Mr. Bob Rolader represented this project. He addressed all of the issues that came up and described how each issue had been addressed. He also said that they have done above and beyond what was called for on this concept plan.

Chairman Murphy called for public comments. There were none. She called on the commissioners for their comments and/or questions.

Commissioner Talley asked the applicant if there was any consideration for doing this as a PUD or is the DR-15 automatically a PUD.

Mr. Rolader said that this is a PUD.

Vice-Chairman Bittinger said that the overall project looks good as a step down as the applicant stated, but this commission has to be careful that they don't rezone this property, and then have the developer decide not to develop as proposed; another developer could then come in and develop the property as whatever they want to build as allowed under DR-15. He added that the commission should put a conditional use on this if it is recommended for approval.

Mr. Rolader said that they would be happy with any condition the commission wishes to put on the approval along with the condition he had added because this is exactly how this subdivision would be build.

Commissioner Feldman said he agrees with Mr. Bittinger.

Commissioner Anderson said that she would like to point out if commercial that fronts any residential; it is not a good thing.

Chairman Murphy said that the City did a study and the study shows that there are more commercial uses in the City than the residents can support, so this project would allow the City to eliminate unnecessary commercial and to get more people in the City to use the existing commercial.

Chairman Murphy called for a motion on the variance from (Section 94-315)

Motion: Commissioner Talley motioned to approve the variance from section 94-315 to reduce the 30-foot buffer between C-3 and DR-15.
Second: Commissioner Anderson seconded the motion.
Vote: Unanimous

Motion carried.

Chairman Murphy called for a motion on the rezoning from C-3 to DR-15.

Motion: Vice-Chairman Bittinger motioned to recommend approval on the rezoning of this property from C-3 and DR-15 PUD with the contingency that the rezoning recommendation is contingent on the current developer developing the property as presented on the concept plan.
Second: Commissioner Feldman seconded the motion.
Vote: Unanimous

Motion carried.

Barnard & Associates, 235 & 245 South Glynn Street – Development Plans & 4 Variances from (Sec. 94-227, Sec. 94-483, Sec. 94 193, & Sec. 42-71)
File # 05-022.01

Chairman Murphy called on staff for an overview of this project. Mr. Gunn stated that the applicant is proposing to develop the property at 235 and 245 South Glynn Street. This development will be a mixed-use development that would include office, retail, and residential units. The residential units would be on the top floor with retail and offices on the bottom floor. Two historic homes are on this site and they would be saved and restored. The new structures would have compatible architecture as the historic homes on site. Mr. Gunn added that the Mowell house would be relocated on this property and preserved. All of the structure would share parking and a drive onto Glynn Street. There are four variances associated with this project and they are: (Sec. 94-483) reduction in parking spaces from one parking space for every two hundred square feet to one parking space for every four hundred square feet, it is not uncommon for shared parking on site; (Sec. 42-71) reduce the highway corridor buffer; (Sec. 94-227) reduce the front setback; and (Sec. 94-193) to allow for parking in the front in the Main Street Architectural District. Staff feels that all of these variances would help to make this project possible. Staff recommended approval.

Chairman Murphy called on the applicant for comments.

Mr. Bob Barnard said he did not have any comment but would be glad to answer any questions the commission may have.

Chairman Murphy asked for material samples. The applicant did submit material samples.

Chairman Murphy called for public comments. There were no public comments. She then called on the commissioners for their comments.

Commissioner Talley asked the applicant when the Mowell house is going to be moved.

Mr. Barnard said within the next two months.

The commissioners were all pleased with the project.

Chairman Murphy called for a motion on the variance from section 94-227.

Motion: Commissioner Talley motioned to approve the variance to reduce the front setback to zero.
Second: Commissioner Feldman seconded the motion.
Vote: Unanimous

Motion carried.

Chairman Murphy called for a motion on the variance from section 94-483.

Motion: Vice-Chairman Bittinger motioned to approve the variance to reduce the parking spaces parking from one parking space for every two hundred square feet to one parking space for every four hundred square feet.
Second: Commissioner Talley seconded the motion.
Vote: Unanimous

Motion carried.

Chairman Murphy called for a motion on the variance from section 94-193.

Motion: Commissioner Feldman motioned to approve the variance to allow front parking in the Main Street District.
Second: Vice-Chairman Bittinger seconded the motion.
Vote: Unanimous

Motion carried.

Chairman Murphy called for a motion on the variance from section 42-71.

Motion: Commissioner Talley motioned to approve the variance to reduce the highway corridor buffer to zero.

Second: Vice-Chairman Bittinger seconded the motion.
Vote: Unanimous

Motion carried.

Chairman Murphy called for a motion on the development plans

Motion: Commissioner Feldman motioned to approve the development plans.
Second: Vice-Chairman Bittinger seconded the motion.
Vote: Unanimous

Motion carried.

Dung Nguyen, 115 Chablis Court – Variance from (Sec. 94-226) – File 05-028

Chairman Murphy called on staff for an overview of this project. Mr. Gunn stated that the applicant is asking for a variance to reduce their required building setback from 30 feet to 20 feet. They would like to add a deck to their existing house and the requested variance would allow the structure to encroach 10 feet inside their building setback line. Mr. Gunn added that the variance would not adversely affect any of the neighbors and the applicant obtained letters from their neighbors stating they had no problems with the variance. Staff recommended approval.

Chairman Murphy called on the applicant for comments.

Mr. Bill Powell, the contractor who would be building the addition to this house, was present to represent the applicant. He said that he had no comments.

Chairman Murphy called for public comments. There were none. She then called on the commission for their comments or questions. There were no comments or questions from the commissioners.

Chairman Murphy called for a motion.

Motion: Vice-Chairman Bittinger motioned to approve the variance from section 94-226 to reduce the rear setback from 30-feet to 20-feet.
Second: Commissioner Talley seconded the motion.
Vote: Unanimous

Motion carried.

Charles & Lorraine Romano, 140 Knight Way – Variance from (Sec. 94-226) File # 05-029

Chairman Murphy called on staff for an overview of this project. Mr. Gunn stated that the applicant is asking for a variance to reduce their required side building setback from 15 feet to 5 feet. They would like to construct a one-car garage that will match their existing house and the requested variance would allow the

structure to encroach 10 feet inside their side building setback line. The applicant was asked to provide an elevation of the proposed garage and to obtain letters from his neighbors affirming their agreement with the requested variance. The applicant did provide letters from their neighbors saying they had no objections.

Chairman Murphy called on the applicant for comments. The applicant had no additional information

Chairman Murphy called for public comments. There were none. She called on the commissioners. There were no comments from the commission.

Chairman Murphy called for a motion.

Motion: Commissioner Talley motioned to approve the variance from section 94-226 to reduce the side yard setback from 15-feet to 5-feet.
Second: Commissioner Feldman seconded the motion.
Vote: Unanimous

Motion carried.

Prince of Peace Lutheran Church, 257 Highway 314 – Revised Development Plans - File # 91-014.01

Chairman Murphy called on staff for an overview of this project. Mr. Gunn stated that the applicant is proposing to add a temporary storage building for the existing church; he showed the location of the building. Staff asked the applicant to provide a plan to show more screening of the storage building with some type of plantings, and they have done so. Staff recommended approval

Chairman Murphy called on the applicant for comments.

Mr. Salzer represented this project. He did not have anything to add.

Chairman Murphy called for public comments. There were none. She called on the commissioners.

Commissioner Feldman added that this project was approved in three phases, since the applicant is adding this storage building; will they eliminate phase three of this project.

Mr. Salzer said that if they do come back to construct phase three, they will eliminate the storage building.

Chairman Murphy called for a motion.

Motion: Vice-Chairman Bittinger motioned to approve the revised development plans.
Second: Commissioner Feldman seconded the motion.

Vote: Unanimous

Motion carried.

Richard R. Harp, 205 Industrial Way – Development Plans – File # 02-007.01

Chairman Murphy called on staff for an overview of this project. Mr. Gunn stated that this project was approved in May 2002 and at that time they had planned to add a cover to house their truck. They are back for approval on the same project because the development plans expired. There are no changes to the previous plans. Staff recommended approval.

Chairman Murphy called on the applicant for comments.

Mr. Brian Sutton represented this project. He did not have any comments.

Chairman Murphy asked if the applicant submitted material samples.

Mr. Gunn said that they did.

Chairman Murphy called for public comments. There were none. She called on the commissioners. There were no comments from the commissioners.

Chairman Murphy called for a motion.

Motion: Commissioner Talley motioned to approve the development plans.

Second: Chairman Bittinger seconded the motion.

Vote: Unanimous

Motion carried.

Steve Rayman of Fayette, 320 South Glynn Street – Special Exception - (Sec. 94-167) - File # 98-023.02

Chairman Murphy called on staff for an overview of this project. Mr. Gunn stated that the applicant is applying for a special exception to put a used car lot at the previous location of the Enterprise-Rent-A-Car. Mr. Gunn added that in the past there had been an automotive related business on this property. A special exception to operate a car stereo installation shop was granted in January 1996 and a variance to allow parking in the front of the building in the Main Street District was granted in July 1998. That variance is still valid because it pertains to the property and not the use. Mr. Gunn added that a special exception pertains to the use, so that even though the owner had a special exception granted for an automotive business in the past, every time a new automotive use comes in the owner has to apply for a special exception. Staff recommended approval.

Chairman Murphy called on the applicant for comments.

Mr. Jose Nieves represented this project. He did not have anything to add.

Chairman Murphy called for public comments. There were none. She called on the commissioners.

Chairman Murphy pointed out to the commissioners that staff's analysis indicated that this proposed use is not consistent with the future land use map, which shows downtown mixed use and that the commission usually does not go against the future land use map. She added, however, that Mr. Gunn also pointed out that this use has been allowed and operated in this location previously, and that the precedent should have some bearing.

Commissioner Talley said his main concerns are the site lighting and the ingress and egress, are there going to be any changes to those two issues.

Mr. Nieves said there is a light on site that points to the ground and if they do change, it could be to point the light towards the building if that is possible.

Commissioner Talley informed the applicant that he would need to submit a lighting plan. The second issue is the access to the site.

Mr. Nieves said that the access had always been the same.

Commissioner Talley said he understood but this would be a good time to do something about it.

Chairman Murphy added that most of the time when someone applies for a special exception they are also providing development plans for approval along with the special exception, and that in this case the applicant is not changing the exterior and has not submitted new development plans.

Commissioner Feldman said that he would not go for this if it had not been used for automotive for many years.

Vice-Chairman Bittinger added that he agrees with Commissioner Feldman.

Chairman Murphy said if there are any changes to the lighting; the applicant needs to submit a new lighting plan to staff for approval. She said that as far as the access it is the best to leave it that way unless there is a major improvement to the site.

Mr. Gunn added if they were going to do major improvements to the site then staff would have looked at the overall site, but what has been submitted is for approval of the special exception only.

Chairman Murphy called for a motion.

Motion: Commissioner Feldman motioned to approve the special exception for Steve Rayman of Fayette.

Second: Commissioner Anderson seconded the motion.

Vote For: Vice-Chairman Bittinger, Commissioners Anderson, and Feldman
Abstained: Commissioner Talley.

Motion carried.

Staff Reports

Chairman Murphy called on staff for staff reports. Mr. Gunn stated that City Council approved the annexation for Advanced Aesthetic on Highway 54 West, and that the crematory ordinance was denied. The Comprehensive plan update was sent off to ARC and DCA. Mr. Gunn added that staff should hear from them in January 2006 and then we will start the public participation. Mr. Gunn said that there would be the employee appreciation luncheon on Thursday December 8 at the Baptist Church at 12:00 to 2:00 pm and all the members of the commission was invited.

Chairman Murphy asked if anyone in the public has any business to bring before the commission.

No come came forward.

She then asked if any of the commissioners has any business to bring forth. No one had anything.

Adjourned

Chairman Murphy called for a motion to adjourn.

Motion: Vice-Chairman Bittinger motioned to adjourn the December 6, 2005 meeting.

Second: Commissioner Feldman seconded the motion.

Vote: Unanimous

Motion carried, meeting adjourned,

Chairman Murphy wished everyone "Happy Holidays"

Respectfully Submitted,

Bibi Alli
Staff Assistant